

HEARING BEFORE THE CITY COUNCIL, MAY 12, 2008

Hearing opened at 7:50 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present.

The following PETITION was the subject of the hearing.

75-08 Robert A. Salvatelli, John Dombrowski, Virginia A. Tocci, David Rowlands, Dennis A. Rosa, Richard M. Marchand, Wayne A. Nickel, James Lanciani, Jr. and Claire Freda: Amend the Leominster Zoning Ordinance Chapter 22, Section 16.10 through 16.10.2 (Generally Permitted Uses in an Industrial or Commercial District) to change the Special Permitting granting authority from the City Council to the Planning Board.

Councillor Rowlands said they have not received a recommendation from the Planning Board and it will be on their May 20, 2008 agenda for scheduling.

Councillor Dombrowski said the Ordinance that they passed is a good one and has spurred a lot of activity in the City particularly with older buildings and making them look better and putting them on the tax rolls. Councillor Dombrowski said he remembers when they took the authority for the Special Permit. He said because it was a new law they didn't want to push the burden on other board members or other boards so they took the responsibility. He said, from his perspective, he feels the Planning Board with a Director and an Assistant Director is really better suited to hear these permits.

Councillor Rowlands read the recommendation from the Building Inspector and a letter from the Planning Director.

No one in the audience spoke in favor or in opposition of this petition

HEARING ADJOURNED AT 7:55 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2008

Meeting called to order at 8:00 P.M.

Attendance was taken by a roll call vote; all members were present.

The Committee on Records reported that the records through April 28, 2008 were examined and found to be in order. The records were accepted.

Councillor Lanciani asked for a moment of silence for Elio Torcoletti who recently passed. He said he will be greatly missed.

A recess was called at 8:05 P.M. to continue the public forum.

The meeting reconvened at 8:15 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9 "yeas". Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 6 "yeas" and 3 "nays",

C-136 Relative to the appropriation of \$20,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-137 Relative to the appropriation of \$2,000.00 to the Conservation Commission Expense Account; same to be transferred from the Conservation Commission Salary and Wages Account.

C-138 Relative to the appropriation of \$28,000.00 to the Emergency Management Agency Capital Outlay Expenses; same to be transferred from the Excess and Deficiency Account.

C-139 Relative to the appropriation of \$2,715.00 to the Health Department Salary and Wages Account; same to be transferred from the Emergency Reserve Account.

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2008, continued

C-140 Relative to the appropriation of \$15,000.00 to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE, given REGULAR COURSE and referred to the Mayor and the Department of Public Works.

C-141 Relative to the appropriation of \$19,260,000.00 for the purpose of financing the construction of the new water treatment plant at the Distributing Reservoir and system upgrades including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$19,260,000.00 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project and to take any other action necessary to carry out the project.

The following COMMUNICATION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

C-142 Dean Mazarella: Request that a School Department E-Rate Donation Account be established as authorized by Massachusetts General Laws, Chapter 44, Section 53A.

The following COMMUNICATION was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

C-143 Dean J. Mazarella: Request Karri LeGault be exempt from the provisions in M.G.L. Chapter 268A (20B) Conflict of Interest as she is currently employed by the City of Leominster as a teacher for the Leominster School Department and will be taking a position as Summer Pool Manager at the Leominster State Pool.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works and the Planning Board.

89-08 Eric Sullender, Secured Financial Limited Partnership I: Accept the layout of "Gamache Lane" as a public way.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Conservation Commission, the Department of Public Works, the Health Director, the Planning Board, the Building Inspector and the Fire Department. A hearing was set for June 9, 2008 at 7:15 P.M. Vt. 9/0

90-08 Andy Candiello, Agent for MetroPCS Massachusetts LLC: Grant a Special Permit to install six antennas with related wires and ground equipment on the existing tower at 369 Nashua Street located in a Flood Plain and shown on Assessor's Map 372 as Lot 1.

The following PETITIONS were received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Police Department/Traffic Division and the Fire Department.

91-08 James Lanciani, Jr.: Place a sign on the corner of Francis Street to read "No Tractor Trailers Allowed Use Tucker Drive".

92-08 James Lanciani, Jr.: Move the "No Parking" sign on Castle Street 20 feet from its current location.

The following PETITION was received, referred to the PUBLIC SAFETY COMMITTEE, given REGULAR COURSE and referred to the Mayor and the Department of Public Works.

93-08 Richard Marchand: Install a street light on pole #4 on Hawley Avenue.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the License Commission and the Treasurer.

94-08 William Plant: Renew the license for eight pool tables at JC Fenwick's, 37 Mechanic Street.

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2008, continued

The following APPOINTMENTS were received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

Fire Department - Permanent Firefighter - Eric M. Falk

License Commission - Henry Lanza – term to expire April 15, 2013

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 “yeas”

C-122 Relative to the appropriation of \$11,000.00 to the Fire Department Expense Account; same to be transferred from the Excess & Deficiency Account.

ORDERED: - that the sum of Eleven Thousand Dollars (\$11,000.00) be appropriated to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: To cover the cost of repairs made to Ladder 1 and Engine 3

C-123 Relative to the appropriation of \$190,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess & Deficiency Account.

ORDERED: - that the sum of One hundred Ninety Thousand Dollars (\$190,000.00) be appropriated to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Funds to replace 7 marked vehicles

C-124 Relative to the appropriation of \$3,000.00 to the Street Cleaning Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Thousand Dollars (\$3,000.00) be appropriated to the Street Cleaning Expense Account; same to be transferred from the Excess and Deficiency Account

RE: For street sweeping machine replacement parts

C-125 Relative to the appropriation of \$15,000.00 to the Highway Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifteen Thousand Dollars (\$15,000.00) be appropriated to the Highway Overtime Account; same to be transferred from the Excess and Deficiency Account.

RE: For overtime costs associated with street sweeping & drainage repairs

C-126 Relative to the appropriation of \$10,000.00 to the Sidewalk & Curbing Expense Account; same to be transferred from the Excess & Deficiency Account.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Sidewalk & Curbing Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: For hot mix asphalt

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 “yeas” and 1 “nay”, Councillor Rowlands opposed.

C-127 Relative to the appropriation of \$45,700.00 to the Library Expense Account; same to be transferred from the Library Salary & Wages Account.

ORDERED: - that the sum of Forty Five Thousand Seven Hundred Dollars (\$45,700.00) be appropriated to the Library Expense Account; same to be transferred from the Library Salary and Wages Account.

RE: These funds are requested due to several staff changes/vacancies, the delayed hiring of the Library’s maintenance/custodial employee, and lower than projected costs for Sunday hours of service.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 “yeas and 1 “nay”, Councillor Rowlands opposed and Councillor Nickel abstained due to a possible conflict of interest.

C-128 Relative to the appropriation of \$50,000.00 to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum Fifty Thousand Dollars (\$50,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2008, continued

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 8 "yeas"; Councillor Tocci abstained due to a possible conflict of interest.

C-129 Relative to the appropriation of \$50,000.00 to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifty Thousand Dollars (\$50,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

C-130 Relative to the appropriation of \$10,000.00 to the Snow & Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Ten Thousand Dollars (\$10,000.00) be appropriated to the Snow & Ice Expense Account; same to be transferred from the Excess and Deficiency Account.

C-131 Relative to the appropriation of \$5,000.00 to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Five Thousand Dollars (\$5,000.00) be appropriated to the Snow & Ice Overtime Account; same to be transferred from the Excess and Deficiency Account.

C-132 Relative to the appropriation of \$100,000.00 to the Open Space Land Purchase Expense Account; same to be transferred from the Sale of Real Estate Fund.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Open Space Land Purchase Expense Account; same to be transferred from the Sale of Real Estate Fund.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9/0

C-133 Relative to the appropriation of \$10,000.00 to the Open Space Land Purchase Expense Account; same to be transferred from the Water Department Resource Assessment Expense Account.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas"

C-134 Relative to the appropriation of \$32,000.00 to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Thirty Two Thousand Dollars (\$32,000.00) be appropriated to the Sanitation & Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon request of the FINANCE AND LEGAL AFFAIRS COMMITTEES, the following COMMUNICATION was TABLED FOR STUDY. Vt. 8/1, Councillor Rosa opposed.

82-08 David Rowlands: Establish a Water Enterprise Account as authorized by MGL Chapter 44 53F1/2.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

C-135 Mayor Dean Mazzarella: Establish a "Veteran's Monuments Donation Account" as authorized by MGL Chapter 44, Section 53A.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME. Vt. 9/0

67-08 Daniel J. McCarty, an individual owning land being affected by change: Amend the Leominster Zoning Ordinance Article II Use Regulations, Section 22-26 Table of Uses-Business Uses to allow Beautician and Barber Shops in the Residential C zone by Special Permit from the Planning Board. (A continued hearing is set for May 27, 2008 at 7:00 P.M.)

75-08 Robert A. Salvatelli, John Dombrowski, Virginia A. Tocci, David Rowlands, Dennis A. Rosa, Richard M. Marchand, Wayne A. Nickel, James Lanciani, Jr. and Claire Freda: Amend the Leominster Zoning Ordinance Chapter 22, Section 16.10 through 16.10.2 (Generally Permitted Uses in an Industrial or Commercial District) to change the Special Permitting granting authority from the City Council to the Planning Board.

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2008, continued

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were given FURTHER TIME and referred to the Planning Board and the City Solicitor. Vt. 9/0

- 83-08 Kate Griffin-Brooks on behalf of the Leominster Planning Board: Accept the proposed 43D Expedited Permitting Ordinance for adoption into the Leominster Zoning Ordinance as these revisions are required to implement Chapter 43D Expediting Permitting in the City of Leominster. (A hearing is set for May 27, 2008 at 7:15 P.M.)

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED FOR STUDY. Vt. 9/0,

- 84-08 Roger Brooks: Amend Chapter 21, Section 21-22.3 entitled "Sewer User Rate Schedule" to increase the in city rate from \$1.70 per unit to \$1.95 per unit and the out of city rate from \$4.00 per unit to \$4.25 per unit effective July 1, 2008.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED. Vt. 9/0. Amended by adding "change the in city rate from \$2.35 per unit to \$2.60 per unit and the out of city rate from \$3.15 per unit to \$3.40 per unit effective 7/1/09; change the in city rate from \$2.60 per unit to \$2.95 per unit and the out of city rate from \$3.40 per unit to \$3.75 per unit." Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and TABLED FOR STUDY. Vt. 9/0

- 85-08 Roger Brooks: Amend Chapter 21, Section 21-11.1 entitled "Water User Rate Schedule" to increase the in city rate from \$2.15 per unit to \$2.35 per unit and the out of city rate from \$2.88 per unit to \$3.15 per unit effective July 1, 2008; change the in city rate from \$2.35 per unit to \$2.60 per unit and the out of city rate from \$3.15 per unit to \$3.40 per unit effective 7/1/09; change the in city rate from \$2.60 per unit to \$2.95 per unit and the out of city rate from \$3.40 per unit to \$3.75 per unit.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

- 74-08 Kym LeBlanc: Renew the license for one pool table at The Tankard, 13 Central Street.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITIONS were DENIED. Vt. 9/0

- 86-08 Gary Smith: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Fireworks Celebration on June 14, 2008.
- 87-08 Allan Bernstein: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Fireworks Celebration on June 14, 2008.
- 88-08 Kevin Skelly: Grant a Hawkers & Peddlers license to sell balloons and novelties at the annual Starburst Fireworks Celebration on June 14, 2008.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 8/0; Councillor Tocci abstained due to a possible conflict of interest.

Board of Appeals – term to expire April 15, 2011  
Joseph Tocci

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9/0

Board of Appeals – term to expire April 15, 2011  
Stephen A. DeCarolis, MaryAnn Cormier

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9/0;

Board of Appeals – term to expire April 15, 2010  
Lee Baron (to fill the unexpired term of David Bedard)

Board of Appeals – term to expire April 15, 2009  
Paul Romano

Board of Assessors – term to expire April 15, 2011  
Christopher Paquette

Cable TV Advisory Board Commission – term to expire April 15, 2009  
Gregory Hakala, Kevin Fitzgerald, Carl A. Piermarini, Benjamin Levy

Cable TV Advisory Board Commission – term to expire April 15, 2010  
William C. Voedish, Jr.

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2008, continued

Cemetery Commission – term to expire April 15, 2010  
Gary Ranno

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 8/0;  
Councillor Freda abstained due to a possible conflict of interest.

Conservation Commission – term to expire April 15, 2011  
Kelley M. Freda

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9/0

Conservation Commission – term to expire April 15, 2011  
Gregory Day

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9/0;

Council on Aging – term to expire April 15, 2010  
Eleanora Bissonnette

Council on Aging – term to expire April 15, 2011  
Robin Upton, Diane Perkins, Rosemary Bracani

Cultural Commission – term to expire April 15, 2011  
Roselyn M. Navaroli, Andrea Seward

Doyle Field Commission – term to expire April 15, 2011  
Ernest L. Rooney

Board of Health – term to expire April 15, 2010  
Patrick Perla

Historical Commission – term to expire April 15, 2011  
Robert A. Saudelli, David Chester, Leon Christoforo, Ann Fratturelli

Recreation Commission – term to expire April 15, 2010  
Maureen Donatelli, Jeffrey O'Neill

Recreation Commission – term to expire April 15, 2011  
Lionel A. Charpentier, Jodie L. Dube, Patricia Caisse

Recreation Director – term to expire April 15, 2010  
Judith Sumner

Treasurer/Collector – term to expire April 15, 2011  
David Laplante

Housing Authority – term to expire April 15, 2012  
Reverend John E. Doran, Marcel Leger

Housing Authority – term to expire April 15, 2013  
Karen L. Buckley

Library Board of Trustees – term to expire April 15, 2010  
Gilbert Tremblay, Carol Ann Millette

Library Board of Trustees – term to expire April 15, 2011  
Nancy Hicks, Jeanne Zephir

License Commission – term to expire April 15, 2012  
James J. Kelly, Jr.

Trustees of Soldiers Memorial – term to expire April 15, 2010  
Philip Cote, Kenneth Gurge

Trust Fund Commission – term to expire April 15, 2010  
Richard Bergman

Youth Commission – term to expire April 15, 2010  
Jean Melanson

Director of Veterans Services – term to expire April 15, 2011  
Richard Voutour

Office of Emergency Management - term to expire April 15, 2009  
Assistant Director: James LeBlanc  
Assistant Director: Richard Gauvin  
Deputy Director: Alfred Staal  
Deputy Director: Thomas Piper  
Deputy Director: Daniel Thibodeau

REGULAR MEETING OF THE CITY COUNCIL, MAY 12, 2008, continued

Auxiliary Police Officers – term to expire April 15, 2009

Ryan N. Caneen, John Caron, Thomas Piper, Nikito Baker, Scott A Boutell, Reginald A. Cortana, Donn A. Deane, Justin E. Doyle, Michael J. Fazio, Vincente L. Figueroa, Karen Nesbitt, Justin P. Nichols, Sean Calcari

Upon recommendation of the WAYS & MEANS COMMITTEE, the following ONE-YEAR APPOINTMENTS were CONFIRMED. Vt. 9/0.

Keeper of Lockup and Police Chief

Chief Peter Roddy

Forest Warden

Paul Kennedy

Insect and Pest Control

Ralph Persons

Supt. Gypsy & Brown Tail Moths

Ralph Persons

Veterans Burial Agent

Richard Voutour

Weigher of Beef

Michael Ciccolini

Sealer of Weights & Measures

Joseph Quinn

Under Old Business, Councillor Dombrowski, Chairman of the President's Drinking Water Oversight Committee, said the informational meeting will be held on May 21, 2008 at 6:30 P.M. He said the questions are done and will add Councillor Rowland's questions to the list to be submitted.

Subcommittee meetings were established:  
Legal Affairs - May 21, 2008 at 7:30 P.M.  
Finance - May 22, 2008 at 6:30 P.M.  
Public Service - May 19, 2008 at 7:30 P.M.

Under New Business, Council President Marchand gave the upcoming events.

Sholan Farms Apple Blossom Festival was rescheduled to May 17, 2008

Blue Star Mothers Breakfast at Applebee's on May 18, 2008 from 8-10 A.M.

Memorial Day Activities: May 21, 2008 - Memorial Brick Dedication - Carter Park at 4:00 P.M.  
May 23, 2008 - Twilight Service – Veteran's Center at 6:00 P.M.  
May 26, 2008 – Cemetery/Monument Tributes begin at 7:15 A.M.  
Parade at 11:00 A.M.  
Memorial Day Honors at 11:30 A.M.

Councillor Rosa, Chairman of the FINANCE COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted 9/0. Committee reports as follows: Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED AND ORDERED. Vt. 7/2; Councillors Rowlands and Dombrowski opposed.

C-82 Relative to the appropriation of \$54,000.00 to the Recreation Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Fifty Four Thousand Dollars (\$54,000.00) be appropriated to the Recreation Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

RE: Repair of fencing and other costs associated with Doyle Field Tennis Court

Meeting adjourned at 10:35 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council